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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor: Damion L. Hankejh et al

Examiner:

Serial No.: 09/326,258

Group Art Unit:

2731

Filing Date: 06/04/1999

Attorney Docket No.:

SESSIO.P01

Title of Invention: Real Time Internet Communications System

Seattle, Washington 98101  
March 8, 2000TO THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231RECEIVED  
MAR 28 2000  
TECH CENTER 2700

## PETITION TO MAKE SPECIAL

Pursuant to 37 C.F.R. § 1.102(d), Applicant hereby petitions the Commissioner to make this application special so that it may taken out of turn for immediate action. Enclosed are:

1. A Declaration of Kevin Knoepp, setting forth the fact that he believes the invention sought to be patented in this application is being infringed and the date when said infringement was discovered;

2. A Declaration of the undersigned attorney in compliance with MPEP § 708.02; and

3. A check for \$130 in payment of the petition fee required under 37 C.F.R. § 1.17(i).

At the time of the filing of this petition, Applicant has not received any correspondence from the Patent and Trademark Office indicating that the application has been examined. Due to the fact that Applicant's claims are being infringed (see concurrently filed Declarations), Applicant respectfully requests that this Petition be granted in order to issue a patent to terminate such infringement.

Tel. No. (206) 343-7074

Respectfully submitted,

P01-PMS.PET

PATRICK MICHAEL DWYER  
Reg. No. 32,411

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03/13/2000 SLUANG1 00000104 09326258

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PATRICK M. DWYER PC  
1919 ONE UNION SQUARE  
600 UNIVERSITY STREET  
SEATTLE, WA 98101-1129

OFFICE OF PETITIONS

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231.

March 8, 2000

Patrick Dwyer

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Seattle, Washington 98101

March 8, 2000

TO THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

DECLARATION OF KEVIN KNOEPP  
UNDER 37 C.F.R. 1.102(d)

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DEPUTY A/C PATENTS

I, Kevin Knoepp, declare as follows:

1. I am Chief Technology Officer (CTO) at Sessio, Inc. in Seattle, WA. I am intimately involved in the oversight, research and ongoing development relating to the invention disclosed in the above captioned patent application. My position as CTO has put me in constant contact with the development and deployment of this invention and with its competitors.
2. As part of my duties as CTO for Sessio, I have become aware of the company LivePerson and their web presence. Their software LivePerson 3.0 Real-Time Interaction Platform is described on a page on their website that I visited on or about March 2, 2000. It is labeled "How does it work?" ([www.liveperson.com/corporate\\_site/html/howdoes/howdoes.asp](http://www.liveperson.com/corporate_site/html/howdoes/howdoes.asp)) Their product is described there as one providing instant customer service technology through web browsers. Some of the items listed and bulleted on that page read:

LivePerson is based on an outsourced application environment so the customer is actually connecting to the service on a server hosted by LivePerson. Clicking on the LivePerson link launches a chat window where a customer service operator initiates a secure one-on-one text chat with the user. The customer is unaware that the application rests on a third-party server. LivePerson requires no hardware or

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March 8, 2000

Patrick Dwyer

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software installation. There are no dedicated servers required, no complicated platform integration issues to overcome, and no need for ongoing maintenance.

In addition the page explains that LivePerson requires no special plug-ins, so that virtually all of their customers can use the product through a standard browser including Netscape versions 3.0 to 4.6 and Internet Explorer versions 3.0 to 5.0. It will also work with AOL versions 3 and 4. This online help system is currently used in the fields of e-commerce, financial services, ISP/Web Hosting/Development and Community/Portal sites. All of these features are present in, or accommodated by, the Sessio services embodying the invention.

3. I became particularly concerned after I viewed the flowchart system diagram that LivePerson has on their webpage ([www.liveperson.com/corporate\\_site/html/howdoes/howdoes\\_sd.asp](http://www.liveperson.com/corporate_site/html/howdoes/howdoes_sd.asp)) (page print out attached). This diagram shows the structure that is used to facilitate LivePerson 3.0 as a chat program. The relation between the "customers / customer service representatives" and the "Internet" is facilitated by the use of a Javascript/HTML Thin Client". The relation between the "Internet" and all input/outputs is drawn as a cloud. The overall system is described as a "Fully redundant Multi-facility Distributed Architecture" connecting SQL databases to a messaging server java application, a load server cluster, firewall and the Internet. This drawing is at least a fair representation of Sessio's invention and closely resembles one of the drawings in the above captioned patent application.

4. In common with the invention disclosed in the above captioned patent application, the LivePerson application is an internet communication environment, with a combination of a chat function with a browser leading function.

5. In common with the invention disclosed in the above captioned patent application, the LivePerson application is a communications process with the following steps: a user clicks on a special hyperlink button on a website; the user is connected via the hyperlink to begin a real-time dialogue with a live sales or service person; the service person answers questions, makes sales or leads user to any desired location on the web.

6. In common with the invention disclosed in the above captioned patent application, the LivePerson application is a real time internet communications system, the system having an overall web based service that is interactive with at least one website, one or more support Agents and a User. The Agent logs in to the service while the User is browsing the website. The User clicks on a hyperlink on the website and is directed to an internet 'cloud', where the User is placed in a queue while the cloud notifies the logged in Agent that a User has made a Request via the link. The cloud distributes a Java client application to the User, and when the Agent responds to accept the 'call' from the switching cloud, both the Agent and the User are placed into a channel to collaborate with each other.

7. I am well acquainted with the state of the art in the field to which our invention relates. I make frequent inquiries among sources I consider informed and reliable, and I am aware of no system or software that might otherwise anticipate our invention that predates our invention in this field.

I declare that all statements made herein of my own knowledge are true, that all statements made on the basis of information received are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Dated: 8 Mar 2000



KEVIN KNOEPP

P01-PMSDECL.KK

PATRICK M. DWYER PC  
1919 ONE UNION SQUARE  
SEATTLE, WA 98101-1129



MON - FRI  
9AM-12AM EST

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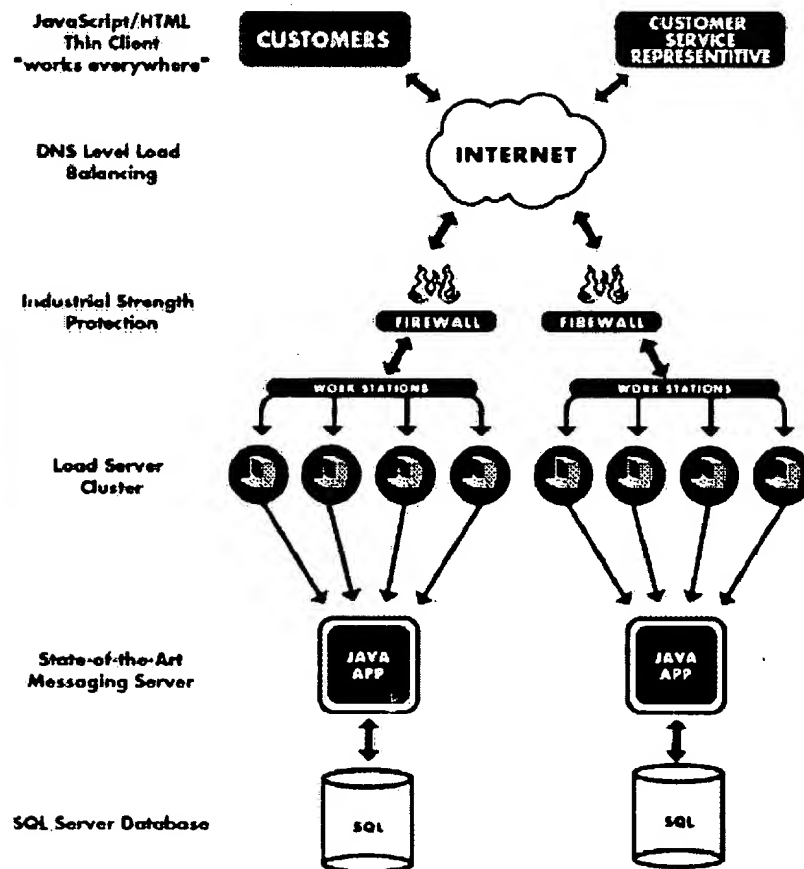
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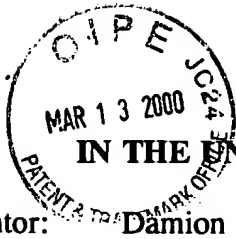
## System Diagram



**Fully Redundant Multi-Facility  
Distributed Architecture**

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IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER 37 C.F.R. 1.102(d)

MAR 14 2000

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DEPUTY A/C PATENT

I, Patrick M. Dwyer, declare as follows:

1. I am attorney of record in the above-indicated application and have read the accompanying Declaration of Kevin Knoepp.
2. I have compared the claims in the above captioned application with the information available to me from LivePerson, Inc. on their public access website ([www.liveperson.com/corporate\\_site/html/howdoes/howdoes\\_sd.asp](http://www.liveperson.com/corporate_site/html/howdoes/howdoes_sd.asp)) that details their LivePerson 3.0 system, as further detailed in the Declaration of Kevin Knoepp, and it is my opinion that Claims 1, 2 and 3 of this application would be infringed by the manufacture, use or sale of the LivePerson 3.0 software and/or system if the present application were issued as a patent.

a. I have reviewed LivePerson's flowchart system diagram that illustrates the relation between the "Internet" and all input/outputs as a cloud. This diagram is a fair representation of at least one aspect of Sessio's invention and closely resembles one of the drawings in the above captioned patent application.

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Patrick Dwyer

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b. As to Claim 1, the LivePerson application is an internet communication environment, with a combination of a chat function with a browser leading function; it would therefore infringe Claim 1.

c. As to Claim 2, the LivePerson application is a communications process with the following steps: a user clicks on a special hyperlink button on a website; the user is connected via the hyperlink to begin a real-time dialogue with a live sales or service person; the service person answers questions, makes sales or leads user to any desired location on the web. It would therefore infringe Claim 2.

d. As to Claim 3, the LivePerson application is a real time internet communications system. The system has an overall web based service that is interactive with at least one website, one or more support Agents and a User. The Agent logs in to the service while the User is browsing the website. The User clicks on a hyperlink on the website and is directed to an internet 'cloud', where the User is placed in a queue while the cloud notifies the logged in Agent that a User has made a Request via the link. The cloud distributes a Java client application to the User, and when the Agent responds to accept the 'call' from the switching cloud, both the Agent and the User are placed into a channel to collaborate with each other. It would therefore infringe Claim 3.

3. I have made and caused to be made (including inquiries by our client) careful searches for any pertinent prior art, and therefore have good knowledge of such prior art as is now available. There is no pertinent prior art of which I am aware at this time.

4. As a result of reviewing this application and the known prior art, I believe that all of the claims in this application are allowable.

I declare that all statements made herein of my own knowledge are true, that all statements made on the basis of information received are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Tel. No. (206) 343-7074

Respectfully submitted,



PATRICK MICHAEL DWYER  
Reg. No. 32,411

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